

No. 9(1)82-6 Lab/12354.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of Executive Engineer, P.W.D., Irrigation Branch, Mechanical Division, Faridabad:—

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 346/1981

between

SHRI NARAIN SINGH, WORKMAN
AND THE MANAGEMENT OF M/S
EXECUTIVE ENGINEER, P.W.D., IRRIGATION
BRANCH, MECHANICAL
DIVISION, FARIDABAD

Present:

Shri S. S. Gupta for the workman.

Shri S. D. Mishra for the management

AWARD

The Governor of Haryana, referred the following dispute between the workman Shri Narain Singh and the management of Executive Engineer, P.W.D., Irrigation Branch, Mechanical Division, Faridabad, by order No. ID/FD/1/81/53005, dated 23rd October, 1981, to this Tribunal for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of service of Shri Narain Singh was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties who appeared and filed their pleadings. On the pleadings of the

parties, the following issues were framed by my order, dated 1st January, 1982:—

- (1) Whether the termination of service of Shri Narain Singh was justified and in order? If not, to what relief is he entitled?

Another issue was framed on the application of the management on 22nd April, 1982 which was as under:—

- (2) Whether the workman was in the employment of the respondent at the time of his termination of service?

And the workman examined himself as his own witness as WW-1 and the management examined Shri Jagjit Singh, S.D.O., as MW-1 and V. K. Agrawal, S.D.O., as MW-2.

ISSUE NO. 2:

WW-1 deposed that he was appointed on 7th March, 1976 at Palwal as T. Mate. He was transferred to Nuh on 26th September, 1978. He was not issued any transfer order. On verbal order he went to Nuh. No consent of the Ujina Sub-Divisional Officer was taken for the transfer. He further deposed that he worked there up to 12th October, 1979. He submitted application for his transfer to Palwal. Copy of application was Exhibit W-1. He was transferred to Palwal. He reported there on 13th October, 1979. He was sent for duty to workshop. He worked there for three months, but he did not get his wages. He used to be turn out of the workshop whenever he went there. Police action was also threatened against him. Shri Rajinder Singh, President of the union sent letter, Exhibit W-2 to the Executive Engineer, reply of which was Exhibit W-3. Reply to the Executive Engineer was sent,—vide Exhibit W-4. He was not taken duty thereafter. He wrote letter, Exhibit 5 to the Conciliation Officer. In cross-examination, he admitted that in rejoinder, he had mentioned 12th October, 1979 as the date of termination which was correct. He

admitted that earlier part of the statement was not correct. He admitted that he had worked with S.D.O., Ujina re-modling Mechanic, Sub-Division No. II, Nuh, from 26th September, 1979 to 14th October, 1979 and received his wages. Extract, Exhibit M-1 of service book was correct.

MW-1 deposed that the workman had worked under him as T. Mate up to 30th August, 1979. He remained absent from 31st August, 1979 to 24th September, 1979. He was transferred on 25th September, 1979 to Ujina Re-modling Sub-Division No. 2, Nuh. Copy of order was Exhibit M-2 which was received by him. Signature of the workman appeared at mark 'A'. A letter regarding the workman was sent to the Executive Engineer, W.J.C. Feeder/Gurgaon Canal, Mechanical Division, Faridabad. Before transfer. Transferring Officers obtained consent of each other. No such transfer could be made without consent. According to the record of the attendance register, the workman had never worked under his Sub-Division from 12th October, 1979 onwards. In cross-examination, he stated that he had obtained consent of the S.D.O., Nuh, Sub-Division before transfer which was mentioned in Exhibit M-2. He was aware of the transfer from Nuh but he had sent information to the S.D.O. concerned that there was no place for the workman in his Sub-Division. He admitted that there was no vacancy in the Sub-Division. Copy of letter sent to the S.D.O., Nuh, was Exhibit M-4 which was signed by him. S.D.O., Nuh, and he were under different Executive Engineers. He further deposed that at present he worked as S.D.O. under W.J.C./Feeder/Gurgaon Canal, Mechanical Division, Faridabad. There was no office named 'P.W.D. Branch, Mechanical Division, Faridabad'. He denied the suggestion that Ujina Division and Gurgaon Division were in the same circle. He admitted that Shri Chetan Singh was Executive Engineer of Ujina Re-modling Mechanical Division. He admitted that letter, Exhibit W-6 was from his office but denied address of the office on Exhibit W-5. MW-2 deposed that he did not know the workman because he himself joined

on 23rd July, 1981. He had brought pay bill of work charged establishment. According to which Shri Narain Singh, son of Shri Bhagwan Singh, T. Mate had received wages for the period from 26th September, 1979 to 14th October, 1979. Photo copy of which was Exhibit M-5, with signature of the workman at serial No. 8. In cross-examination, he stated that he had not brought the service book of the concerned T. Mate., Gurgaon Canal Mechanical Division, Faridabad and Ujina Mechanical Sub-Division were under different circle. Executive Engineers were also different. Transfer of such workers could be made by consent of the two concerned S.D.O.s or Executive Engineer. He admitted that the name of the present Executive Engineer, Ujina Re-modling Mechanical Division was Shri Chetan Singh, who had signed on Exhibit W-4. Argument heard.

Learned representative for the workman argued that at the time of termination of his service of the workman, he was not in the employment of the management. He also pointed out that the management shown in the reference "Executive Engineer, P.W.D. Branch, Mechanical Division", was correct. Replying party was S.D.O., Mechanical Drainage Sub-Division, Palwal. In the rejoinder Para 1 of the preliminary objection, it was stated by the workman that the workman was transferred by S.D.O., Ujina Re-modling Sub-Division, Nuh.

It was an admitted fact that the concerned workman was last employed in Ujina Re-modling Mechanical Sub-Division No. 2, Nuh, and he received his wages for the period 1st October, 1979 to 14th October, 1979 which he has admitted in his statement. He has admitted that the earlier part of his statement was not correct which means that the date of termination mentioned as 12th October, 1979 was also incorrect. He has himself demolished his version that he had been taken on duty by the S.D.O., Palwal, on 12th October, 1979. S.D.O., Palwal,—vide his letter, dated 15th October, 1979, Exhibit M-4, informed S.D.O., Nuh that

there was no vacancy for the concerned workman with him. In the circumstance I feel that the S.D.O., Palwal, had made amply clear that the workman was not in his employment at the time of termination of service. This is hard case for the workman though himself requested for transfer to Palwal,—vide his application copy, Exhibit W-1 but under the convention, no consent of S.D.O. was obtained prior to relieving the concerned workman by S.D.O., Nuh. It was also into evidence that the management shown in the present reference, i.e., Executive Engineer, P.W.D. Mechanical Branch, Faridabad was not in existence and the name was mentioned wrongly. Therefore, I find that the workman erred himself while issuing demand notice to the present management and that the S.D.O., Palwal, was not on fault. The workman was, therefore, not entitled to any relief under the present reference. I award accordingly.

The 13th November, 1979.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 1215, dated 30th November, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6Lab./12368.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of

the dispute between the workmen and the management of M/s Haryana Concast Ltd., Hissar.

BEFORE SHRI M. C. BHARDWAJ,
PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 3/1980.

between

THE WORKMEN AND THE MANAGEMENT OF M/S HARYANA CONCAST LIMITED, HISSAR.

Present:—

Shri Tek Chand, for the workmen.

Shri M. M. Kaushal, for the management.

AWARD.

The Governor of Haryana referred the following dispute between the management of M/s Haryana Concast Limited, Hissar, and its workmen, by order No. ID/HSR/7/79/875, dated 8th January, 1980, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

(1) Whether the termination of services of S/Shri Samunder Singh (E. No. 389) (2) Upinder Singh (E. No. 396) and (3) Balwan Singh (E. No. 282) was justified and in order? If not, to what relief are they entitled?

(2) Whether the workmen are entitled to any wages for the period of lock out from 1st December, 1979 to 6th December, 1979?

Notices of the reference were sent to the parties who appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my order, dated 26th June, 1980:—

(1) Whether the demand is not properly espoused?

- (2) Whether the termination of services of S/Shri Samunder Singh (E. No. 389) (2) Upinder Singh (E. No. 396) and (3) Balwan Singh (E. No. 282), was justified and in order? If not, to what relief are they entitled?
- (3) Whether the workmen are entitled to any wages for the period of lock-out from 1st December, 1979 to 6th December, 1979?
- (4) Relief.

Issue No. 1 was treated as preliminary and this was decided against the management,—vide order dated 19th December, 1980 and the parties were called upon to lead their evidence on other issues. The management examined Shri R. C. Mehta as MW-1, Shri Raj Kumar, Security Officer as MW-2, Shri L. B. Singh as MW-3, Shri Ram Narain Security Officer, as MW-4, Shri K. S. Malhi, Sales Officer as MW-5 and Shri Ravinder Pal Singh, Foreman as MW-6. The workman examined Shri Ramesh Kumar Clerk as WW-1, Shri Ashok Grover, Typist as WW-2, Shri Balwan Singh as WW-3, Shri Samunder Singh as WW-4 and Shri Upinder Singh as WW-5.

ISSUE NO. 2:

MW-1 deposed that he was factory manager from September, 1979 to November, 1980. He was incharge of the Personnel Department. He was appointing and terminating authority. Lay off or lock out was done under his signature. He was notified as Factory Manager under the Factories Act. His signature appeared on Ex. M-1, Shri A. B. Singh Works Manager, also worked with him, whose signature appeared on Ex. M-2. Presently he was in Gujarat. He further deposed that he had sent letter Ex. M-3 to Deputy Commissioner, Hissar. Signature of Shri A. B. Singh appeared on Ex. M-4, which was sent to S.H.O. Police Station, Hissar. He further stated that

on 30th November, 1979 at 6-00 P.M. when he came off the duty and reached factory gate, Shri Balwan Singh and his companions attacked him. He informed the matter to the S.H.O.,—vide copy Ex. M-5. He had ordered the closure of the factory at 10-00 A.M. on 1st December, 1979 due to violent activities of the workers. Situation was not under control. Plant and machinery was under danger due to disorder and violence. He had issued notice Ex. M-6 and informed the Labour Commissioner, Haryana,—vide Ex. M-7. Prior to it he had sent Phonogramme Ex. M-8 and M-9. He had sent to the S.H.O. for the safety of the residence of M.D. Earlier to it, he had sent letter Ex. M-11 to the S.H.O., Shri B. P. Jain, who was dispensar in the factory had made a statement in the domestic enquiry held by him. Shri B. P. Jain had made report Ex. M-13 regarding violence. There was a settlement Ex. W-1 after the lock out. He had sent form Q and statement of reasons Ex. M-14 and M-15 under his signatures at the time of declaring lock out. Information for lifting of lock out was sent,—vide Ex. M-16 and M-17. Prior to his joining service, Shri Satbir Singh was Personnel Manager from whom he took over the charge. He had taken in charge photos Ex. M-18 to M-32. Photo Ex. M-18 was of M.D.'s Office whereas Ex. M-19 was of time Office, M-20 of Account department, Ex. M-21 of Security Office and Ex. 22 of Personnel Manager's Office. He was called by Shri A. S. Malhi on 30th November, 1979 to hold domestic enquiry. Report of the Enquiry was Ex. M-33 on which appeared his signature. Statements recorded in the enquiry were Ex. M-34 to M-36. This enquiry was a preliminary one. M.D. was Shri Dharam Singh, I.A.S., whose signature he recognised. Documents Ex. M-37 and M-38 appeared signatures of the M.D. Situation was not normal at the time of holding of preliminary enquiry. No regular enquiry could be held at that time. Before holding of the preliminary enquiry he had personally informed the workers to attend the enquiry but they left the security office. He had gone inside the

plant to inform the workers. The workers had come to him, when the incident took place, with Shri B. P. Jain. MW-2 deposed that he joined as Security Officer in the Management from 20th August, 1979. Security Department was manned by the Security Officer, one Assistant Security Officer, 4 Security Inspectors and 18—20 Security Guards. The duty of the security department was to safe guard building and property. It watched against theft and discipline etc. Police was called when there was violence or a theft. He further stated that on 30th November, 1979 he came from city office at about 5-45 p.m. when he reached inner gate of the company he found Shri Balwan Singh raising loud voice. He was abusing Shri R. C. Mehta Personnel Officer. When he reached near the security officer Shri Balwan Singh slapped Shri R. C. Mehta. Distance between inner gate and security office was of 10 paces. Mr. A. S. Malhi had held preliminary enquiry in the matter. He had himself appeared as witness in the enquiry, copy of which was Ex. M-39. Next day Works Manager Shri A. B. Singh was man handled but he was not present at that time. In cross-examination, he replied that there were two unions of workers but Haryana Poly Steel Workers Union was recognised one. He was not aware if the union had submitted demand notice on 21st April, 1979 to the management. He admitted that Shri Samunder Singh and Shri Balwan Singh were members of the working committee of the union. He admitted settlement Ex. W-1 which took place on 18th May, 1980. He did not know the reason of attack by Shri Balwan Singh. He denied that his statement was false. MW-3 deposed that he was works manager with the management from 23rd March, 1979 to 12th January, 1981. His duty was to look after the production, appointment and termination of workers and to look after the discipline and administration. Factory Manager was Shri Sokhi then Shri R. C. Mehta. He was on duty on 30th November, 1979 in the morning. In the evening he had gone to Sub Station

to enquire about the power. His signature appear on Ex. M-2 which he had sent to Deputy Commissioner regarding incident of assault on Shri R. C. Mehta by Shri Balwan Singh worker. He had made complaint Ex. M-4 because he was assaulted by Shri Samunder Singh and Upender Singh. Enquiry was conducted by Shri R. C. Mehta. Shri P. S. Acharya, R. P. Singh and Shri B. R. Aggrawal appeared in the enquiry. Shri Acharya was melter while other two were foremen. Police had done separate proceeding. Police had taken them for medical examination in Civil Hospital. Medical report was Ex. M-40. Due to the happening of 30th November and 1st of December there was tension in the factory. The officer had become unsafe. Police had been informed a week earlier because of bad situation. In cross-examination, he replied that he did not know as to how many time there had been strike in the factory after joining his job. He remembered only strike of 26th of June. He did not know about the settlement dated 18th July, 1979. Signature of Shri Sokhi appeared on Ex. W-2. He did not remember if he made statement on his application under section 107, 51 which he had made against Shri Samunder Singh and Bahadur. He was medically examined at about 12-00 noon. Factory was covered by Shed and nothing was visible to Security Guards. Shri Samunder Singh worked under him and so Upender and Balwan. He admitted that standing orders was in force in the factory. MW-4 deposed that he joined as Assistant Security Officer. On 30th November, 1979 his duty was on the inner gate of the factory from 6.00 A.M. to 6.00 P.M. On that day there was some altercation between the workers and Shri Mehta, Personnel Officer. Workers wanted the change of Matadoor Contractor. Shri Mehta had told them in case there was some suitable person they may find out on which Shri Balwan Singh abused him and slapped. When Shri Mehta asked that he had not done good, he gave him another slap. Shri Mehta had also told him that contractor had been fined Rs. 150 on which Shri Balwan

Singh stated that he was telling a lie. He further deposed that he had appeared as witness before Shri A. S. Malhi which was Ex. M-41. He further deposed that he recognised the signature of Shri Dalip Singh Security Guard on Ex. M-42. In cross-examination, he replied that he was matriculate. The enquiry officer had asked him to make verble statement which was written by the Steno. During those days there was tense situation in the factory. He did not know if the union had given demand notice. He did not know if there was any strike in the past. MW-5 Shri A. S. Malhi deposed that he was with the management for the last 5 years. He had made complaint Ex. M-43 which was sent by him. He had also made Ex. M-44. His report Ex. M-43 was regarding the incident of assault of Shri R. C. Mehta. He recorded the statements of witnesses. The works manager Shri A. D. Singh authorised him to conduct the enquiry. He had called both the parties. In cross-examination he stated that he was appointed enquiry officer by verble order. He did not know if Shri Balwan Singh was given any chargesheet. He had not received any documents regarding enquiry. He had recorded the statements of four witnesses. He had submitted his report to the Managing Director. MW-6 stated that he is in the factory from 1976. He had appeared as witness in the enquiry of assault of Shri A. B. Singh. His statement was Ex. M-35. He was also examined by the police. In cross examination, he admitted, his appearance as witness in the Court of Shri P. C. Goel, Judicial Magistrate, Hissar in case versus Samunder Singh and etc. Copy of statement was Ex. W-2.

MW-1 stated that Ex. W-3 was form No. 2 notice of change of manager. Ex. W-4 to W-7 were demand notices and appointment letters of Shri Samunder Singh, Balwan Singh and Upender Singh respectively. In cross-examination, he stated that he had written statements Ex. W-8 and W-9. WW-2 stated that the name of his union was Haryana Poly Steel Works Union which was recognised union. Union was formed in 1978. Demand Notice Ex. W-4 was served on

21st April, 1979. Letters of the Union were Ex. W-10 to W-15. Executive Committee of the Union was suspended. Copy of settlement was Ex. W-16. Shri Balwan Singh and Samunder Singh were members of the executive Committee. Information was sent to the management,—vide Ex. W-17 and W-18. All the office bearers were involved in false cases. Ex. W-19 to W-21 were regarding the mal-practice in the management. The Hon'ble Chief Minister had ordered an enquiry when they met him on 2nd December, 1978. Shri R. C. Mehta and Shri L. B. Singh were removed from the service on an enquiry. M. D. was also transferred. M. D. has no authority to suspend or terminate. Shri Samunder Singh was not promoted, although junior to him was promoted. Letter Ex. W-23 was written in this behalf. On the day of incident he was in the plant. In cross-examination, he replied that he did not remember the names of members of the works committee except that of Shri Balwan Singh, Samunder Singh and Subhash Sethi. There were 11 members of the committee. He did not know who was promoted prior to Shri Samunder Singh. He admitted letter Ex. M-8. He admitted that report Ex. M-F was made against him and some other workers. He admitted that union had condemned the violence. He denied Ex. M-9 to be photo copy of time office. He denied that his duty was in the city from 30th November, 1979 to 1st December, 1979. WW-3 deposed that the union was formed in 1977. The union had submitted a demand notice on which the management had suspended some workers and a compromise took place on 18th December. The management had ensured that the matter would be decided within two months. He was not chargesheeted. In cross-examination, he replied that he was appointed by Shri Sokhi. He admitted that Shri Sokhi was Executive Director. He denied that there some quarrel on 30th November, 1979 in the plant. He also denied that he had slapped Shri R. C. Mehta and there was some dispute for the matadoor. He had no quarrel with Shri A. S. Malhi. No enquiry was held against him. Shri Malhi had not called him for

enquiry. WW-4 deposed that he was a helper. The union had raised demand notice on 21st April, 1979. He did not know the contents of the settlement. He was not issued chargesheet nor any enquiry was held. He had received termination letter. In cross-examination, he admitted that the workers get appointment, promotion and termination letters. He admitted that Shri Balwan Singh and Upender Singh were also terminated alongwith him. He did not know about Ex. W-1. He admitted that the union had made settlement after the lock out. There was no incident in the factory on 1st December, 1979 nor on 30th November 1979. He denied that he alongwith Shri Upender had manhandled. He did not know if the union had condemned the violence. He did not remember the registration number of the union. He admitted that there was an office in the city. He had no personal enmity with Shri R. C. Mehta and A. B. Singh. WW-5 deposed that the union had raised a demand notice on 21st April, 1979. The management suspended some workers. Settlement was arrived at on 21st July, 1979 by which all the suspended workers were reinstated. He had written letter Ex. W-10. He was not taken on duty as per the settlement. He was not chargesheeted nor enquiry was held. He was not issued any termination letter. In cross-examination, he stated that he had received termination letter by registered post. There were about 250 members of the union. He denied that he had manhandled Shri A. B. Singh, Works Manager. He also denied that on 1st December, 1979, the police was called due to violence in the factory. He admitted that F.I.R. was lodged against him and Shri Samunder Singh which was regarding the incident of 1st December, 1979. He had no enmity with Shri V. R. Agrawal and R. P. Singh. He denied that he was called to attend preliminary enquiry by Shri R. C. Mehta.

Learned representative for the management argued that lock out was justified because there was violence and tense situation in the factory. He referred recital of the settlement Ex. W-1 and

Argued that there was a reference of condemnation of violence in the settlement which was arrived at by the participation of Labour Commissioner. He argued that the management's witnesses were not cross-examined on the point of assault. He pointed to the F.I.R. to prove the case of assault was pending in the court of Judicial Magistrate, Hissar. It was also contended that the workers were stated to be active members of the union. They were not office holders their plea of victimisation was without footing. As regard holding of domestic enquiry, only preliminary enquiry was held because the circumstance did not permit of holding a domestic enquiry. He argued that the management had proved its case during the adjudication. On the other hand, learned representative for the workmen argued that under model standing orders, the chargesheet and domestic enquiry must follow prior to termination of service. He argued that the management failed to comply section 25-F of the Industrial Disputes Act. It was also argued that the management failed to follow the principles of natural justice and did not give them any opportunity to the delinquent workers to their innocence. He pointed out that preliminary enquiry was also after the thought because no enquiry could be held on the implication when the the situation as stated by the management was tense. He also argued that action of closure was illegal.

I have gone through the documents and find that the management sent letter Ex. M-1, dated 30th November, 1979, to S.H.O. Police Station, City and Sadar, Hissar informing them of breach of law and order situation in the factory. He had requested for safety and protection of the plant and officers. According Ex. M-2, Deputy Commissioner was informed about the manhandling of Shri R. C. Mehta on the hands of Shri Balwan Singh. According to Ex. M-3 of 1st December, 1979, the Deputy Commissioner was informed about the assault of Shri A. B. Singh by Shri Samunder Singh, workman. S.H.O. was informed about the incident,—vide Ex. M-4. Shri R. C. Mehta sent letter Ex. M-5

to the S.H.O. The Labour Commissioner, Haryana was informed,—vide Ex. M-7. By letter, dated December 1, 1979, he informed about the violent activities of the employees in the factory on 30th November, 1979 and 1st December, 1979. He informed about the temporary closure of the plant. Ex. M-6 was an order from the Factory Manager for taking charge of the plant by the security staff. Ex. M-8 was phonogramme regarding manhandling of Shri A. B. Singh and Shri R. C. Mehta; Ex. M-9 was also a phonogramme about closure of plant and assaults on Senior Officer. Ex. M-10 was sent to the S.H.O. regarding protection of M.D; residence against any attack by the workers. Statement of reasons for declaring the close down were Ex. M-14 and M-15. Notice for lifting of lock out was Ex. M-16 and Hindi translation Ex. M-17. Preliminary enquiry report against Shri Upender Singh and Samunder Singh was Ex. M-33. Ex. M-44 was preliminary enquiry report. Ex. M-34 to 36 were statements recorded during the preliminary enquiry. Ex. M-37 and M-38 were termination orders, of Shri Upender Singh and Samunder Singh, workmen. Ex. M-18 to M-31 were photographs showing broken pieces of furniture, window cases, telephone and records etc. According to Ex. W-1, there is citation in the settlement that union condemns any act of violence and have given the assurance to maintain discipline in and out side the factory. On this assurance, the management have agreed to lift the lock out with effect from 7th December, 1979 as a gesture of goodwill. According Ex. W-2, a F.I.R. No. 478, dated 1st December, 1979 under section 506/323/34 IPC was registered against Shri Samunder Singh and Upender Singh and case was under trial in the court of Shri P. C. Goel, Judicial Magistrate, 1st Class, Hissar. MW-3 had given the version of his assault by Shri Balwan Singh which was corroborated by MW-2 Shri Raj Kumar and MW-4 Shri Ram Narain.

On the basis of evidence and documents on record I am convinced that the situation has arisen in the factory on 30th November, 1979 and 1st December, 1979

when there had become law and order problem for the management. The situation had become tense and the officers of the management had become target of attack. The management had to temporarily close the factory by way of lock out. The management had proved that three workmen were involved in the incident of assault on the management personnel. They were involved into assault cases. The management though did not hold a regular domestic enquiry at the time but has proved its case during these proceedings. The situation did not permit the management to constitute a regular domestic enquiry at that time. The charges were of serious nature. I do not find any lacking in taking action of termination by holding a preliminary enquiry. Therefore, I pass my award that the action of the management was justified and the workmen were not entitled to any relief on the both grounds.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 12th November, 1982.

Endorsement No. 1201, dated the 30th November, 1982.

Forwarded (four copies), to the Secretary to Government, Haryana; Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.